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असाधारण

EXTRAORDINARY

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प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on 21st February, 2003:—

I

BILL NO. LXXVIII OF 2002

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Fifty-third Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 2002.

Short title.

2. After article 21 of the Constitution, the following articles shall be inserted, namely:—

Insertion of
new article
21A & 21B.

“21A. (1) Every citizen shall have the right and access to safe drinking water in adequate quantity.

Right to safe
drinking
water.

(2) It shall be the duty of the State to make available safe and potable water at convenient locations and at regular intervals.

Right to adequate health care.

21B. (1) Every citizen shall have the right to—

(i) adequate health care.

(ii) access to hospitals, including super speciality hospitals, established both under the state and in private sector, irrespective of the economic status.

(2) Parliament may by law provide for comprehensive free health care to all citizens or at subsidized cost, as the case may be."

STATEMENT OF OBJECTS AND REASONS

The basic needs of human life are food, clothing, housing and safe water. In a poor country like ours, it is the duty of the Government to provide basic facilities to its citizens. Since India is a large country with a huge population, it is not possible to fulfill the basic needs of the citizens. However, a beginning can be made by incorporating a provision to provide for safe and potable water. At present the majority of the population does not have access to drinking water. People have to go to far off places to fetch water, which is usually not drinkable. Since water available in many areas is invariably contaminated, people who use this water generally get afflicted with various diseases, which sometimes result in this death.

Further majority of the population lives in inhuman conditions fighting for their survival. Adding woes to their misery, health care in the country is a costly affair. Even the life saving drugs have gone beyond the reach of the common man not to talk of other medicines and treatment. Many people die without proper health care.

With this in view, it is proposed to make it obligatory on the part of the state to provide for safe drinking water and comprehensive free or subsidized health care to all citizens.

Hence this Bill.

P. K. MAHESHWARI.

FINANCIAL MEMORANDUM

The Bill makes provision for supply of safe drinking water to all citizens of the country. This would entail laying of pipelines, exploration of water resources, etc. The Bill also provide for free and comprehensive health care to all citizens. It further provides that poor people will also have access to private hospitals, the cost of which would be borne by the Government. Majority of the States are not financially sound, the Central Government has to financially assist them. Therefore, the Bill would involve expenditure from the Consolidated Fund of India. The expenditure on it can not be estimated but has to be worked out by the Union Government and respective State Governments.

II

BILL NO. LXXVII OF 2002

A Bill to provide for free education up to university level and for matters connected therewith.

BE it enacted by Parliament in the fifty-third year of the Republic of India as follows:—

Short title
extent and
commence-
ment.

1. (a) This Act may be called the Free Education Act, 2002.

(b) extends to the whole of India.

(c) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires:—

(a) 'appropriate Government' means in case of a State, the Government of that State and in other cases, the Central Government;

(b) 'education' means education after elementary level up to Post graduation level;

(c) 'Free Education' includes education, which shall be imparted free of cost and shall mean—

(i) no tuition fee or annual fee or fee of any kind for joining a school or college or in continuing to be a student of such school or college as the case may be;

(ii) Free supply of note books, books, uniform, stationary, mid-day meal, hostel accommodation and boarding therein, transport to and fro from educational institution free of cost.

3. On and from the appointed date, education shall be free to all citizens, irrespective of sex, caste, religion, race or language.

Free education to all citizens.

4. The appropriate Government shall:—

Steps to be taken by appropriate Government.

(i) take necessary steps to make provision for implementation of the provisions contained in section 3;

(ii) set up adequate number of schools and colleges in accordance with the requirement under its jurisdiction.

(iii) reimburse the expenditure incurred by privately owned schools and colleges under its jurisdiction for imparting free education to the students;

(iv) as far as possible ensure that there is uniform standard, syllabus and quality of teaching in all schools and colleges under its jurisdiction.

5. No school or college including privately owned shall charge any fee from any student either in the form of donation for joining the institute or being a student of such institution.

Schools and colleges not to charge fee.

6. If any school or college violates the provisions of this Act, the head of such school or college or the person in charge of the affairs of the school or college at that time shall be punished with imprisonment for a term not less than ten years and a fine of rupees one lakh.

Penalty.

7. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

STATEMENT OF OBJECTS AND REASONS

Majority of the population is not able to send their wards even to schools what to talk of colleges. They are not in a position to afford costly education. As a result we find a large number of children engaged in domestic chores, factories, hazardous jobs, etc. Keeping this in view, the Central Government recently enacted a legislation to provide free and compulsory education to children up to elementary level.

The Government has taken an initiative, which should be welcomed. However, this step would not make any headway in eradicating illiteracy in the country and make our country a truly technocratic and industrial country. To make India an advanced country, education of utmost importance and at least college level education should be provided to students. Only when the education is made free, our brothers and sisters would be able to send their wards for studies and make them learn and acquire the desired education standards.

With this in view, it is proposed to provide for free education up to college level.

P. K. MAHESHWARI.

FINANCIAL MEMORANDUM

The Bill provides for free education upto college level in all schools and colleges including privately owned. There is a further provision for reimbursement of expenditure incurred by privately owned institutions. Since the majority of the states are not financially sound, the Central Government has to bear the major share of the expenditure.

The expenditure on this can not be estimated at this stage and has to be shared by the Central Government and respective State Governments in proportion to be mutually decided by them.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of details only, the delegation of legislative power is of a normal character.

III

BILL NO. III OF 2003

A Bill to provide for social security for senior citizens and for matters connected therewith and incidental thereto.

BE it enacted by Parliament in the Fifty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Social Security for Senior Citizens Act, 2003.

(2) It extends to the whole of India.

(3) It shall come into force with immediate effect.

2. In this Act, unless the context otherwise requires:—

(a) “appropriate Government” means in the case of the State, the Government of that State and in other cases, the Central Government;

(b) “prescribed” means prescribed by rules made under this Act;

(c) “senior citizen” means that citizens who has attained sixty-two years of age and above.

Short title,
extent and
commence-
ment.

Definitions.

Social security
to senior
citizens.

3. (1) The appropriate Government shall provide social security to all senior citizens and assure peaceful enjoyment of life, health care and protection against exploitation and abuse.

(2) With a view to providing social security the appropriate Government *inter alia* shall:—

(i) provide pension to senior citizens who are unable to maintain themselves in such manner and at such rate as may be prescribed;

(ii) provide free medical aid to senior citizens in all hospitals whether Government or private with full medical reimbursement of expenditure incurred on medicines and treatment;

(iii) set up a network of old age homes for destitute senior citizens with ample recreational, sports, yoga and medical facilities;

(iv) provide interest free housing loans of upto one lakh rupees;

(v) give concession of upto eighty per cent for road, air and rail travel;

(vi) give free legal aid to all senior citizens and set up fast track court's for quick disposal of cases involving senior citizens;

(vii) organise seminars, symposia, lectures to create awareness among senior citizens about their rights; and

(viii) lay down norms for recognition and registration of voluntary organizations and trusts engaged in welfare of the aged person.

Power to
make rules.

4. The Central Government may, by notification in the official gazette make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

The senior citizens have become the victims of globalization and they are often neglected by their family members. The United Nations General Assembly in 1991 has requested the Governments to articulate and evolve relevant policies in this context. Therefore, there is an urgent need to provide social security to senior citizens. The senior citizens should be assured of financial security, health care, shelter and protection against abuse and exploitation.

Hence this Bill.

K. B. KRISHNAMURTHY.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for social security to the senior citizens and assurance of peaceful enjoyment of life, health care and protection against exploitation and abuse.

The Bill, therefore, if enacted will involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees five hundred crore is likely to be involved from the Consolidated Fund of India.

A non-recurring expenditure to the tune of about rupees five crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 4 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

IV

BILL NO. II OF 2003

A Bill further to amend the Recovery of Debts Due to Banks and Financial Institution Act, 1993.

BE it enacted by Parliament in the Fifty-fourth Year of the Republic of India as follows:—

Short title and
commence-
ment.

1. (1) This Act may be called the Recovery of Debts Due to Banks and Financial Institutions (Amendment) Act, 2003.

(2) It shall come into force immediately.

Amendment
to section 1
of Act 51 of
1993.

2. In section 1 of the Recovery of Debts Due to Banks and Financial Institutions Act, 1993 in sub-section (4), for the words “less than ten lakhs rupees” the words “less than five lakh rupees” be substituted.

STATEMENT OF OBJECTS AND REASONS

The Recovery of Debts Due to Banks and Financial Institutions Act, 1993 provides for speedy recovery of debts due to banks and financial institutions. For debts less than rupees ten lakh, at present, the Banks have to approach the civil courts for remedy. Since pursuing the case in the civil court takes longer time and entails a cumbersome process, in public interest, it is considered necessary to make provision for the Debts Recovery Tribunals to entertain cases of recovery of five lakh of rupees and above instead of rupees ten lakh.

Hence this Bill.

K. B. KRISHNAMURTHY.

V

BILL NO. I OF 2003

A Bill to provide for the establishment of a Permanent Bench of the High Court of Kerala at Thiruvananthapuram.

BE it enacted by Parliament in the Fifty-fourth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the High Court of Kerala (Establishment of a Permanent Bench at Thiruvananthapuram) Act, 2003.

Establishment of a Permanent Bench of High Court of Kerala at Thiruvananthapuram.

2. There shall be established a Permanent Bench of the High Court of Kerala at Thiruvananthapuram and such Judges of the High Court of Kerala being not less than two in number, as the Chief Justice of that High Court may from time to time nominate, shall sit at Thiruvananthapuram in order to exercise the jurisdiction and power for the time being vested in that High Court in respect of cases arising in Thiruvananthapuram, Kollam and Pathanamthitta districts of Kerala.

STATEMENT OF OBJECTS AND REASONS

Thiruvananthapuram is the state capital of Kerala. As per the recommendations of Jaswant Singh Commission the state capital city is entitled to have the Bench of the High Court. The Government of Kerala and the people of Thiruvananthapuram, Kollam and Pathanathitta districts will be benefited if a Bench of High Court of Kerala is set up at Thiruvananthapuram as the existing High Court at Ernakulam is very far away from the state capital. To get cheaper and speedier justice to the people as well as State Government establishment of a High Court Bench at Thiruvananthapuram is highly essential.

Hence this Bill.

N. K. PREMACHANDRAN.

VI

BILL No. IV OF 2003

A Bill to provide for compulsory learning of and imparting basic education to the child in his mother tongue in order to ensure his proper development and for matters connected therewith.

BE it enacted by Parliament in the Fifty-fourth Year of the Republic of India as follows:—

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Children (Compulsory Learning and Imparting Basic Education in Mother Tongue) Act, 2003.

(2) It extends to the whole of India.

(3) It shall come into force with immediate effect.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) “appropriate Government” means in the case of a State the State Government of that State and in other cases the Central Government;

(b) “mother tongue” means the language or tongue which a child learns from his mother and other family members during his childhood and one of the languages included in the Eighth Schedule of the constitution;

(c) “prescribed” means prescribed by rules made under this Act.

3. It shall be the duty of the parents of a child to teach him the mother tongue or dialect generally spoken by their family and in the area they reside so as to enable him to learn the language.

Compulsory learning of mother tongue.

4. (1) Notwithstanding anything contained in any other law for the time being in force every educational institution whether Government or private, aided or unaided, shall impart education to the children in their mother tongue in addition to Hindi or English languages, as the case may be, up to middle level or till they attain the age of fourteen years:

Compulsory imparting of education in mother tongue.

Provided that the mother tongue is one of the languages recognized by the Eighth Schedule to the Constitution.

(2) the appropriate Government shall ensure strict compliance of the provisions of sub-section (1) in such manner as may be prescribed.

(3) The appropriate Government shall derecognise such educational institution, which does not comply with the provisions of sub-section (1) after giving such institution reasonable opportunity of being heard.

(4) The appropriate Government shall monitor the implementation of the Act and get annual report prepared and presented to the appropriate legislature in such manner as may be prescribed.

5. The Central Government shall, after due appropriation made by law by Parliament, provide adequate funds to the States for appointing language teachers and other infrastructure required for the purposes of this Act.

Central Government to provide funds.

6. The provisions of this Act and of any rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force but save as aforesaid the provisions of this Act, shall be in addition to and not in derogation of any other law for the time being in force.

Overriding effect of the Act.

7. The Central Government may, by notification in the Official Gazette, made rules for carrying out the purpose of this Act.

Power to make rules.

STATEMENT OF OBJECTS AND REASONS

Now-a-days children are increasingly keeping aside learning of mother tongue as a part of the school curriculum. This is resulting in their not having sufficient knowledge of the mother tongue. Basically, children should learn all the subjects in mother tongue at least uptill the age when one can acquire skills in other languages. If not all the subjects, a child should have at least basic knowledge in one's mother tongue. This enables the proper growth of mental faculties of a child.

Hence this Bill.

DR. C. NARAYANA REDDY.

FINANCIAL MEMORANDUM

Clause 5 of the Bill provides that Central Government shall provide funds for appointing language teachers and other purposes.

The Bill, therefore, if enacted would involve expenditure from the Consolidated Fund of India. The expenditure on it cannot be estimated at this stage, but has to be worked out by the Central Government.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for the purposes of this Bill. The rules relate to matters of details only.

The delegation of legislative power is of a normal character.

YOGENDRA NARAIN,
Secretary-General.